



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 733]

नई दिल्ली, शुक्रवार, नवम्बर 20, 1992/कार्तिका 29, 1914

No. 733] NEW DELHI, FRIDAY, NOVEMBER 20, 1992/KARTIKA 29, 1914

इस भाग में भिन्न पृष्ठ संख्या की बातों हैं जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

गृह मंत्रालय

प्रधिसूचना

नई दिल्ली, 20 नवम्बर, 1992

का 1 849 (अ) --केन्द्रीय सरकार ने विधि
विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967
का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त
शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय
की अधिसूचना संख्या का आ 330 (अ), तारीख 14
मई, 1992 की अधिसूचना द्वारा निवेशन टाइमर्स ग्रुप
लमिल इलम (जिसे इसमें इसके पश्चात् एल टी टी
कहा गया है) को निम्नलिखित बातों को ध्यान में रखते
हूए ऐसे सगम के रूप में घोषित किया था, जिसका आधार
वस्तुतः श्री लका में है और जिसमें सहानुभूति रखने वाले,
जिसके समर्थक और एजेंट भारत की भूमि पर हैं।--

(i) लिट्टे 11 सभी तमिलों के लिए स्वदेश का
उद्देश्य, भारत की प्रभुता और प्रादेशिक अखंडता
को विच्छिन्न करता है और इस प्रकार विधि-
विरुद्ध क्रिया की परिधि में सीतर आता है,

(ii) लिट्टे ने तमिल नेशनल स्ट्रिक्ल टूल्स (टी.
एन आर टी) की रचना की है और उसने
प्रपने सदस्यों को भारत में विधिविरुद्ध क्रिया-
कलाप करने के लिए प्रोत्साहित किया है और
उनकी सहायता की है,

(iii) लिट्टे गुनाष्टेज निवेशन फंड ग्रुप अमम
(उल्फा), को जो एक विधिविरुद्ध संगम है,
प्रोत्साहित करता है और उसकी सहायता करता
है

(iv) व्यक्तियों और संगठनों को विधिविरुद्ध क्रियाकलाप करने के लिए और भारतीय दंड संहिता की धारा 153 ख में अधिनियम की धारा 416 (अ), तारीख 10 जून, 1992 द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम का गठन किया था जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश, न्यायमूर्ति श्री पी. एन. नाग थे,

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं. का. आ. 416 (अ), तारीख 10 जून, 1992 द्वारा विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम का गठन किया था जिसमें दिल्ली उच्च न्यायालय के न्यायाधीश, न्यायमूर्ति श्री पी. एन. नाग थे,

और केन्द्रीय सरकार ने, पूर्वोक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना 11 जून, 1992 को उक्त अधिनियम को यह न्यायनिर्णय करने के प्रयोग के लिए निर्दिष्ट की थी कि क्या उक्त संगठन को विधिविरुद्ध घोषित किए जाने के लिए पर्याप्त कारण था, अथवा नहीं;

और उक्त अधिनियम ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 4 नवम्बर, 1992 को एक आदेश किया था जिसमें अधिसूचना संख्या का. आ. 330 (अ) तारीख 14 मई, 1992 में की गई घोषणा की पुष्टि की गई थी।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में उक्त आदेश प्रकाशित करती है, अर्थात् :-

आदेश

विधिविरुद्ध क्रियाकलाप (निवारण) अधिनियम के समक्ष के मामले में :

लिबरेशन टाइगर्स आफ नॉर्थ ईस्ट (एल.टी.टी.ई.) कोरम :

माननीय न्यायमूर्ति श्री पी. एन. नाग ।
उपस्थित :

श्री ई. एक्स. जोसेफ, अधिवक्ता की मॉर्गेन भारत संघ
श्री एम. एन. कृष्णामणि, अधिवक्ता की मॉर्गेन नविल नाडु राज्य ।

एल.टी.टी.ई. - एरुपशोय ।

[सं I-11031/57/92-आई. ए. ओ.-I(बी)]

वी. एन. आ, संयुक्त सचिव।

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 20th November, 1992

S.O. 849(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967),

declared the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE) an association actually based in Sri Lanka and having sympathisers, supporters and agents on Indian soil as unlawful in view of the following :

- (i) LTTE's objective for a homeland for all Tamils disrupts the sovereignty and territorial integrity of India and thus appears to fall within the ambit of an unlawful activity ;
- (ii) LTTE has created the Tamil National Re-trial Troops (INRI) and encouraged and aided its members to undertake unlawful activities in India ;
- (iii) LTTE encourages and aids United Liberation Front of Assam (ULFA) which is an unlawful association ;
- (iv) Persons and organisations derive inspiration and encouragement from LTTE for their unlawful activities as well as activities punishable under Section 153B of the Indian Penal Code ;

vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 330(I) dated the 14th May, 1992 ;

And, whereas, the Central Government in exercise of the powers, conferred by sub-section (1) of section 5 of the said Act, vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 416(I) dated the 10th June, 1992, constituted the Unlawful Activities (Prevention) Tribunal, consisting of Shri Justice P. N. Nag, Judge of the Delhi High Court ;

And, whereas, the Central Government in exercise of the powers, conferred by sub-section (1) of section 4 of the aforesaid Act, referred the said notification to the said Tribunal on the 11th June, 1992 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association as unlawful ;

And, whereas, the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act made an order on the 4th November, 1992 confirming the declaration made in the notification No. S.O. 330(E) dated the 14th May, 1992.

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order, namely :—

ORDER

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

IN RE :

Liberation Tigers of Tamil Eelam (LTTE).

CORAM :

Hon'ble Mr. Justice P. N. Nag.

PRESENT :

Union of India through Mr. Ex Joseph, Advocate State of Tamil Nadu through Mr. M. N. Krishnamani, Advocate.

LTTE —Ex-parte.

JUDGMENT :

The question that arises for consideration in this reference is whether the Central Government in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) was justified in declaring the Liberation Tigers of Tamil Eelam as an "unlawful association" on the grounds specified in the Notification No. S.O. 330(E) dated 14th May, 1992 and that sufficient cause has been shown by the Central Government for declaring the Liberation Tigers of Tamil Eelam as an unlawful association and confirmation of the declaration so made.

In exercise of the powers conferred by sub-section (1) of Section 5 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) (hereinafter referred to as the "Act"), vide Ministry of Home Affairs Notification No. S.O. 330(L) dated 14th May, 1992 published in the Gazette of India, Extraordinary, Part II, the Central Government has declared the Liberation Tigers of Tamil Eelam (hereinafter referred to as the "LTTE") to be an unlawful association and directed in exercise of the powers conferred by the proviso to sub-section (3) of that section that the Notification shall, subject to any order that may be made under Section 4 of the Act, have effect from the date of its publication in the Official Gazette. The objects and reasons for declaring LTTE as unlawful are stated in the Notification itself, which may be reproduced below for the sake of convenience:

"Whereas the Liberation Tigers of Tamil Eelam (hereinafter referred to as LTTE) is an association actually based in Sri Lanka and having sympathizers, supporters and agents on Indian soil and whereas—

- (i) LTTE's objective for a homeland for all Tamils disrupts the sovereignty and territorial integrity of India and thus appears to fall within the ambit of an unlawful activity;
- (ii) LTTE has created the Tamil National Retrieval Troops (TNRT) and encouraged and aided its members to undertake unlawful activities in India;
- (iii) LTTE encourages and aids United Liberation Front of Assam (ULFA) which is an unlawful association;
- (iv) Persons and organisations derive inspiration and encouragement from LTTE for their unlawful activities as well as activities punishable under Section 153B of the Indian Penal Code."

In exercise of the powers conferred by sub-section (1) of Section 5 of the Act, the Central Government being of opinion that it is necessary so to do, vide Notification No. S.O. 416(F) dated 10th June 1992 constituted the "Unlawful Activities (Prevention) Tribunal" (hereinafter referred to as the "Tribunal") consisting of Shri Justice P. N. Nag, Judge of the Delhi High.

Vide letter No. I-11034/57-92-ISDI(B) dated 11th June, 1992 addressed to the Registrar of the Tribunal, Joint Secretary to the Government of India enclosed a copy of the Government of India, Ministry of Home Affairs Notification No. I-11034/57-92-SIDI(B) published in the Gazette of India Extraordinary on the 14th May, 1992 declaring the LTTE as an unlawful association under sub-section (1) of the Act for placing it before the Tribunal for the purpose of adjudicating "whether or not there is sufficient cause for declaring the said organization as unlawful". A resume regarding the aims, objectives and activities of the said organization as required under Rule 5 of the Unlawful Activities (Prevention) Rules, 1968 (hereinafter referred to as the "Rules") was also enclosed with the aforesaid letter of 11th June, 1992.

The Tribunal heard the matter on 1st July, 1992 and ordered for issuance of notice to show cause to Liberation Tigers of Tamil Eelam why the Association should not be declared as unlawful, returnable on 10th August, 1992. Notices were ordered to be served on the available addresses, viz., Jaffna University Campus, Jaffna (Sri Lanka), International Secretariat in U.K. at 54, Tavistock Place, London, WC1H 9 RG and Shri K. R. Segar (one of the office bearers of the LTTE), 206, Dersinghaur Avenue, Manar Park, London, E 12 5 OH. Since no address of the Association in India was available, notices were further ordered to be published in the Indian Express and The Hindu, Tamil Nadu edition, in one of the leading newspaper of Sri Lanka, either in "Island" or "Virakesari" or any other leading newspaper and in the leading newspaper "Times" of United Kingdom.

In addition to above, notices were also ordered to be served by affixation on some conspicuous part of the office, if any, of the Association and by serving, if possible, on the principal office bearers of the LTTE Association by registered post or otherwise.

Show Cause Notices, as ordered, were published for 10-8-1992 in the TIMES of U.K. dated 24-7-1992, ISLAND of Sri Lanka dated 18-7-1992, THE HINDU and DAILY THANTHI of Tamil Nadu dated 8-7-1992 and INDIAN EXPRESS of Tamil Nadu dated 9-7-1992. Show cause notice by other mode was effected on LTTE and Mr. K. R. Segar on 10-7-1992 in London.

On 11th August, 1992, when the matter came up before the Tribunal, the Registrar of Tribunal brought to the notice of the Tribunal that he has received certain affidavits/papers filed on behalf of LTTE in reply to the show cause notices. However, none appeared in support of these affidavits filed before the Tribunal. However, one Mr. Lalit Mohan Gautam, Advocate, put in appearance only as a next friend of Mr. V. Rudrakumaran of Institute of World Affairs, U.S.A. and wished to place on record a copy of the letter received by him from Mr. Rudrakumaran. He further sought six weeks time on his friend's behalf to enable to engage a counsel and represent the case before the Tribunal. Since Mr. Gautam was neither a party nor put his appearance as an advocate on behalf of LTTE, his request for adjourning the matter for six weeks could not be considered. However, in the interest of justice, the papers were placed on record. The matter was renotified for 25th August, 1992.

On 25-8-1992, since the LTTE was duly served no cause was shown within 30 days from the date of service of the notice and none put in appearance on their behalf, LTTE was ordered to be proceeded ex parte. However, in the interest of justice, certain affidavits/representations received by post were placed on record subject to just exceptions and objections that might be raised against their admissibility by learned counsel appearing for the Union of India and State of Tamil Nadu. The Tribunal further directed the Union of India and the State of Tamil Nadu to produce their evidence on affidavits in support of the declaration made by the Central Government. They were also granted time to file counter affidavits/replies to the affidavits/representations received and the next date in the matter was fixed as 15-9-1992.

Consequently, the affidavits by way of evidence have been filed on behalf of the Union of India and State of Tamil Nadu.

It may, however, be noticed that one Mr. J. P. Pathak, Advocate, put in appearance for LTTE on 15-9-1992 and also on 22-9-1992 and wanted time on the ground that he was hoping to receive power of attorney on behalf of LTTE. He also wanted to move some application on behalf of the LTTE for adjournment. Since he had neither power of attorney in his favour nor could he show that he had instructions from the LTTE to represent, it was not possible for the Tribunal to adjourn the matter. Furthermore, since the Tribunal is bound to consider the reference within time bound schedule, i.e., within a period of six months as prescribed under the Statute, the case cannot be adjourned indefinitely.

The matter was ultimately argued on 29th September, 1992, 14th October, 1992 and 15th October, 1992 and arguments were addressed by Shri E. X. Joseph, Advocate appearing on behalf of the Union of India and by Shri M. N. Krishnamani, Senior Advocate appearing on behalf of the State of Tamil Nadu. Nobody appeared and addressed arguments on behalf of the LTTE.

In order to examine and adjudicate the reference—whether or not there is sufficient cause for declaring the LTTE as an unlawful association under the Act, it may be necessary to refer to the statement of objects and reasons and also certain other relevant provisions of the Act:

STATEMENT OF OBJECTS AND REASONS

"Pursuant to the acceptance by Government of a unanimous recommendation of the Committee on National Integration and Regionalism appointed by the National Integration Council, the Constitution (Sixth Amendment) Act, 1963, was enacted empowering Parliament to impose, by law, reasonable restrictions in the interest of the sovereignty and integrity of India, on the—

- (i) freedom of speech and expression;
- (ii) right to assemble peaceably and without arms; and
- (iii) right to form associations or unions."

"It was an Act to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith."

Relevant provisions of the Act reads as under :

"2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) "association" means any combination or body of individuals;
- (b) "cession of a part of the territory of India" includes admission of the claim of any foreign country to any such party;
- (c) ...
- (d) "secession of a part of the territory of India from the Union" includes the assertion of any claim to determine whether such part will remain a part of the territory of India;
- (e) ...
- (f) "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—
 - (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession;
 - (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India;
- (g) "unlawful association" means any association,—
 - (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity, or
 - (ii) which has for its object any activity which is punishable under section 153-A or section 153-B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity;

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu & Kashmir."

"3 Declaration of an association as unlawful.—(1) If the Central Government is of opinion that any association is, or has become, an unlawful association, it may, by notification in the Official Gazette, declare such association to be unlawful.

(2) Every such notification shall specify the grounds on which it is issued and such other particulars as the Central Government may consider necessary :

Provided that nothing in this sub-section shall require the Central Government to disclose any fact which it considers to be against the public interest to disclose.

(3) No such notification shall have effect until the Tribunal has, by an order made under section 4, confirmed the declaration made therein and the order is published in the Official Gazette :

Provided that if the Central Government is of opinion that circumstances exist which render it necessary for that Government to declare an association to be unlawful with immediate effect, it may, for reasons to be stated in writing, direct that the notification shall, subject to any order that may be made under section 4, have effect from the date of its publication in the Official Gazette."

"(4) Reference to Tribunal.—(1) Where any association has been declared unlawful by a notification issued under sub-section (1) of section 3, the Central Government shall, within thirty days from the date of the publication of the notification under the said sub-section, refer the notification to the Tribunal for the purpose of adjudicating whether or not there is sufficient cause for declaring the association unlawful.

(2) On receipt of a reference under sub-section (1), the Tribunal shall call upon the association affected by notice in writing to show cause, within thirty days from the date of the service of such notice, why the association should not be declared unlawful."

In order to determine and adjudicate whether or not there is sufficient cause for declaring the ITTE as an unlawful association, it will be necessary to examine what unlawful association means and whether there was enough and adequate material before the Central Government as was necessary to answer the purpose intended.

Unlawful association, as already referred to, has been defined in Clause (g) of Section 2 of the Act, which means an association means any association (i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity or which has for its object any activity which is punishable under section 153A or section 153-B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity. The unlawful activity as defined in Clause (f) of Section 2 in relation to an individual or association is comprehensive enough to include all activities of an individual or an association which are intended or support any claim, to bring about, on any ground whatsoever the cession of a part of the territory of India or secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession or which disclaims, questions, disrupt or is intended to disrupt the sovereignty and territorial integrity of India. Therefore, any (association or individual will be unlawful if its activities are aimed at and directed with the object which had the result and effect of threatening the sovereignty and territorial integrity of India.

The Central Government, has already referred to, has made the aforementioned declaration after having examined the material in their possession. The question that arises for consideration before the Tribunal is whether the opinion which has been formed by the Central Government that the ITTE is an unlawful association is justified in the facts and circumstances of the case and whether there is sufficient and adequate material as may be necessary to answer the purpose intended on the basis of which such an association can be declared unlawful. The purpose and object intended and sought to be achieved are to preserve sovereignty and territorial integrity of India and to curtail any unlawful activity which can result and can have effect of threatening the sovereignty and integrity of the country.

The preamble of Constitution of India shows that the People of India have constituted into a sovereign democratic republic. According to Article 1 of the Constitution, India shall be union of States. No state has right to secession from the Union.

The Unlawful Activities (Prevention) Act, 1967 (37 of 1967) is intended to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith.

The Central Government has placed before the Tribunal evidence in the form of affidavits supported by documents in order to demonstrate that there was enough and adequate material before the Central Government for the formation of its opinion for declaring the LTTE as unlawful in the facts and circumstances.

Mr. Ashok Bhattacharya son of Late Shri S.B.I. Bhattacharya, Joint Secretary in the Ministry of Home Affairs—a responsible officer has sworn an affidavit by way of evidence dated 22-9-1992 in support of declaration made in the Notification dated 14-5-1992 corroborated by an affidavit of State of Tamil Nadu dated 7-9-1992. In fact the Central Government has also relied upon the affidavit of State of Tamil Nadu.

The affidavit on behalf of State of Tamil Nadu has been sworn by Shri J. Ramakrishnan, Superintendent of Police, Q Branch, CID, Mysore, Madras. Both the affidavits of the Central Government and the State of Tamil Nadu stand un rebutted and has to be, therefore, accepted as true. Moreover the averments in such affidavits are supported by official documents and there is presumption under Section 114 of the Indian Evidence Act, that the official acts have been regularly performed. The material provided would demonstrate that activities of the LTTE were unlawful and could have the effect of threatening the territorial integrity and sovereignty of India and could lead to secession of territory from India and threat to its integrity. As a matter of fact one of the objects of the LTTE is to bring into existence a separate Tamil country by creating secession in India as well as in Sri Lanka. Such an action of declaring LTTE as unlawful under Section 3 of the Act was necessitated with a view to prevent any major calamity in future and major threat to national unity and territorial integrity of India.

In the resume, the aims and objects of the LTTE supplied under Rule 5 of the Rules sent to the Tribunal, a short background of the LTTE has been given, which are : (i) The Liberation Tigers of Tamil Eelam was originally formed in 1974 as Liberation Tigers. It took its present name in 1976. The LTTE declared its ultimate objective as total liberation of its Home Land and the establishment of an independent, sovereign socialist state of Tamil Eelam; (ii) In the course of its growth, LTTE has been able to carve out a well-knit infrastructure and has methodically brought up its organizational structure which has been able to sustain years of armed struggle against the Sri Lankan Army. LTTE is broadly divided into political, military, medical and intelligence wings. Each wing has a set hierarchy and the roles of the functionaries are explicitly spelt out; and (iii) The overall in-charge of LTTE is Vellupillai Prabhakaran @ Karikalan, Balraj @ Balu Annan @ Balu Mama H. is the upcoming leader and is the overall incharge of the military wing in Mullativu, Varuniya and Nannar in the Northern Sri Lanka. Pottu Amman is the chief of LTTE's Intelligence Wing.

LTTE's activities since 1989 have been elaborately explained by the Central Government in their affidavit. Since early 1989, the LTTE started using Tamil Nadu as a launching pad for its operations in Sri Lanka. It was also the aim of LTTE to form a new Tamil country with Tamil Nadu being seceded from India and with Eelam of Sri Lanka. The using of Tamil Nadu as the place of operation suited this purpose also. The situation became ominous in 1989-90 when the LTTE cadres started infiltrating the State under disguise of refugees. Those injured in the fighting in Sri Lanka, also came as refugees for their treatment and recuperation. Apart from infiltration in the garb of refugees,

the LTTE cadres gained access to interior places in the State of Tamil Nadu through various land routes emanating from as many as 50-odd landing places in the coastal areas of Thanjavur, Pudukottai and Ramantahapuram districts. Boats were being used for bringing the cadres/leaders to the landing points from where transportation to various places did not pose any problem at all as they had procured adequate number of vehicles through their local contacts and associates. These sea and land routes were converted by the LTTE into prolific smuggling channels and supply lines. Medicines, clothing, arms, ammunitions, explosives and provisions were being smuggled out to Jaffna and other LTTE bases in Sri Lanka. Gold was being smuggled into India for supplementing the cash requirements.

In order to sustain these smuggling and other clandestine operations and to achieve its objective of creating a new Tamil nation by the LTTE had created an effective network of radio/W.T. communication between Sri Lanka and Tamil Nadu and also within the State of Tamil Nadu. LTTE cadres started using locals—particularly the youth for their nefarious designs, by arousing ethnic and linguistic feelings. This created a close nexus between the LTTE cadres and gullible locals especially the youth who were being injected with the poisonous idea of secession of Tamil Nadu from the Indian Union by adopting terrorist activities.

After the Indo-Sri Lankan Accord of 1987, Sri Lankan Tamil groups operating from Tamil Nadu had gradually returned from the State to Sri Lanka, leaving a token presence behind, only for the purpose of liaison, propaganda and other activities. The LTTE on the other hand while carrying on propaganda increasingly resorted to clandestine and unlawful activities like the procurement of arms/ammunition and explosives and smuggling them across the Palk Straits to North-East Sri Lanka. LTTE also maintained a small clandestine network of about 30 hard-core cadres inside Tamil Nadu spread over Madras city, Salem, Tiruchi and Madurai in Tamil Nadu. They inducted many locals into this activity by propaganda and by fanning parochial feelings—ethnic and linguistic and trained them for various unlawful activities. The Intelligence report in this connection is relevant and it has been filed as Annexure IV to the affidavit on behalf of Central Government. Their activities include fabrication of land mines and R. P. Grenades, procurement and transshipment of foodstuffs, explosives, arms and ammunition to North East Sri Lanka. The LTTE's underground apparatus was reported to be possessing a fleet of vehicles and speed boats and they had links with numerous smugglers along the Tanjore, Tirunelveli and Rameswaram coasts.

Since the withdrawal of the IPKF from Sri Lanka, a number of Sri Lankan Tamils belonging to EPRLF, ENDLF and TLO have sought refuge in India. Relief camps for these refugees have been organized in Orissa as well as in Tamil Nadu. The hostility between the militants belonging to the LTTE and the cadres of other groups has been of great concern for the law enforcement authorities, particularly in Tamil Nadu. A mention may be made of an incident of June 19, 1990 in which 15 persons were killed, including Sri Padmanabha, Secretary General of EPRLF. The assailants were suspected to be LTTE cadres. 5 suspects (LTTE militants) were arrested by the State Police.

In the course of their clandestine operations like procurement of arms, smuggling them across the Palk Straits, transshipment of food stuff and other commercial items, the Tamil militants have on several occasions confronted the law enforcement agencies of both the Central and the State Governments. The following are among the notable incidents in this regards :—

- (a) abduction of some Indian Customs personnel who were on patrol duty on the high seas in December, 1989 (They were subsequently released).
- (b) the Ramanthapuram shoot-out incident of February 18, 1990 in which two persons including a policeman were killed.
- (c) abduction of a custom party in January, 1990.

On account of these nefarious activities a situation in Tamil Nadu had arisen to such a proportion and magnitude that small groups of militants were regularly surfacing with extremist, revolutionary and chauvinistic philosophy and motivation. Though ostensibly they function as cultural and literary organizations, these small groups are propagating extremist ideology and are projecting the LTTE leader Sri V. Prabhakaran as a hero and are trying to infuse dangerous and insidious linguistic chauvinism. The LTTE and these organizations advocate the secession of Tamil Nadu from the Indian Union and want the State of Tamil Nadu and a part of Sri Lanka to become an independent nation. The Chief Minister of Tamil Nadu in her letters dated 10-3-1992 and 27-3-1992 and Government of Tamil Nadu in the letter dated 15-3-1992 (Annexures I to III to the affidavit of the Central Government made a proposal for banning the LTTE. In these letters it has been highlighted that LTTE cadres are based in a foreign country and they are basically foreigners who are operating on Indian soil and their activities in this country are unlawful and are causing great concern to the Government of Madras and this might ultimately disrupt the sovereignty and Territorial integrity of the country. Further, since the supreme leader of LTTE Thiru V. Prabhakaran has since been declared as a "Proclaimed Offender" in connection with the assassination of Shri Rajiv Gandhi, Former Prime Minister of India, there is no legal justification whatsoever for not declaring such an organization as "unlawful". A list of extremist organizations in Tamil Nadu which have association with the LTTE and are interested in destructing the sovereignty and territorial integrity of India has also been given by her.

The indulgence of LTTE in terrorist acts stand reinforced by the deposition of one Mr. J. Ramakrishnan, son of Shri S. Jayaram, Superintendent of Police, 'Q' Branch, C.I.D., Myslapore, Madras-600004 on an affidavit on 7-9-1992 on behalf of the State of Tamil Nadu. He has stated that he has supervised the investigation of the case in Madras City R. 2 Kodambakkam Police Station Cr. No. 1205/90 in which EPRLF leader Padmanabha and 14 others were murdered. Charge sheet was filed on 12-8-1992 and the cognizance had been taken by the Designated Court on 12-8-1992. On receipt of summons, the accused who are Sri Lankan Nationals and others Indian Nationals have appeared in Court and received copies of the charge sheet. He has further stated that during the course of investigation in Dindigul Taluk Police Station Cr. No. 1212/91 the investigating Officer Thiru A. Rajangam, Inspector of Police, 'Q' Branch C.I.D., Dindigul has seized two items, viz., the constitution of People's Front of Liberation Tigers (P.F.L.T.) and a video cassette. He has also during investigation recorded certain statements/confessional statements of the accused. All such facts which would be discussed hereinafter will throw light on the nefarious and unlawful acts of the LTTE.

Constitution of PELT has been annexed as Annexure V with the affidavit of the Central Government. PELT is a political front of LTTE and it enumerates various aims, objects and philosophy of the LTTE out of which the following two objects are very material and significant :

- (i) to fight for the right of the self-determination of the Tamils and Muslims,
- (ii) to protect and preserve the geographical identity and integrity of the traditional homelands of the Tamils and Muslims."

This clearly demonstrates that the LTTE is challenging territorial integrity of India. While the immediate struggle of LTTE was against the Government of Sri Lanka for the establishment of a Tamil Eelam in the North East provinces of Sri Lanka, its larger and ultimate objective is to form a larger Tamil country including areas of India where the Tamils live and, thus, pose a threat to the sovereignty and territorial integrity of India.

This philosophy, aims and objects stand further fortified from the video cassette which was seized during the investigation, as stated above. The visit of one Shri V. Gopalaswamy, M. P. has been recorded. The video cassette recorded by the LTTE is being used for propaganda purposes both in Tamil areas of Sri Lanka as also in Tamil Nadu. The cassette also contains the speeches of V. Prabhakaran, the

LTTE leader. In this speech, V. Gopalaswamy has criticised the Indian Peace Keeping Forces (IPKF) role in Sri Lanka and that LTTE's fight is not for a mere Tamil Eelam in Sri Lanka but challenging the territorial integrity of India also. Prabhakaran has commended Gopalaswamy for visiting Sri Lanka and said that when former comrades and EPRLF members were fighting for a seat in Parliament, V. Gopalaswamy ventured his trip to Sri Lanka in secrecy. A copy of the Tamil transcript of the speech and its English translation have been annexed as Annexures VI and VII to the affidavit filed on behalf of Union of India.

The Central Government has further stated in the affidavit that LTTE created the Tamil National Retrieval Troops who were provided with various types of arms and ammunition and explosive materials and training to engage in violent and unlawful activities in India. They were to play major roles in assassinations of political leaders, bomb blasts and other such unlawful activities under the orders and guidance of LTTE. These disruptive activities have the effect of threatening the sovereignty and territorial integrity of India.

The State of Tamil Nadu has supported the version of the Central Government and stated in the affidavit that during the course of investigation in Dindigul Taluk Police Station Cr. No. 1212/91 in which, the deponent recorded the voluntary confessional statement of accused Jawahar Habeeb on 4-12-1991, Paulraj @ Mohan on 9-12-1991, Mahesh @ Suseendran on 12-12-1991, Ravi @ Ravichandran on 13-12-91, Veerakumar @ Srikanth on 14-12-1991, Kumar of Thali on 12-2-92 and Arumugham @ Varapalayam Arumugham on 16-4-1992 and accused Shanmugham concerned in Oddanchatram police station Cr. No. 525/91 and Chellamuthu on 19-11-1991. The Oddanchatram P. S. Cr. No. 252/91 was clubbed with the main case, i.e., Dindigul Taluk Police Station Cr. No. 1212/91. All these accused went to Sri Lanka clandestinely in LTTE boat and got weapon's training with LTTE under the command of Pottu Amman, LTTE Intelligence Chief. They have stated that they went to Sri Lanka and formed Tamil National Retrieval Troop with the object :

- "(i) to overawe the Government established by law;
- (ii) to achieve secession of Tamil Nadu from Indian Union;
- (iii) to indulge in disruptive activities and made preparation to fulfil their object by procuring arms and ammunitions, bombs, wireless sets and other explosive substances, to look Police armories in Tamil Nadu for the said purpose, to strike terror among the people by annihilating public servants or persons bound by oath under the Constitution "to uphold the sovereignty and integrity of India."

These disruptive activities have the effect of threatening the sovereignty and territorial integrity of India.

In the affidavit of the Central Government, it has been pointed out that on 19-12-1991, the Tamil Nadu Police arrested one Theodore Charles, son of Charles, when he was moving about in a car with a wireless set, revolver and a hand grenade. In this connection, a case in Dindigul Taluk P. S. CR. No. 1212/91 under Sections 3, 4, 5 and 6 of TADA was registered by the State Police. Theodore Charles was interrogated by the CID officials of the State Government and on 21-10-1991, Ravi @ Ravichandran, son of a State Government Officer, was arrested. A 9 mm. pistol, a cyanide capsule and 6 gold biscuits were recovered from his possession by the State Police. Later 16 more accused were arrested. Ravi @ Ravichandran was reported to be a staunch supporter of LTTE and was seen in the company of Kittu @ Krishnakumar, one of the top ranking LTTE leaders during 1986-88. During 1988 Kittu @ Krishnakumar and 86 others were detained under NSA and airlifted to Sri Lanka. After spending some time in Sri Lanka, Kittu returned to Rameswaram in a boat and established contact with other supporters and enlisted the support of 9 other Sri Lankan Tamils. All these people came into contact with Pottu Amman, the LTTE Intelligence Chief and got trained in arms and ammunitions and manufacture of bombs

and other things. Pottu Amman instructed Sivarajan @ Raghuvaran an accused in EPRLF leader Padmanabha murder case and Rajiv Gandhi's assassination case, to supply money and gold biscuits. Ravi and his allies were instructed to sabotage vital installations, raid the police Armoury and to annihilate some of the leaders in Tamil Nadu. The six trained persons were arrested by the State Police. The confessional statements of these persons recorded under Section 15 of TADA indicate that LTTE has been collecting money in Tamil Nadu with the help of their sympathisers and had purchased weapons. The LTTE imparted armed training to the misled youth of Tamil Nadu in Sri Lanka. The LTTE had created some organisations with the objective to help the Ielam Tamils, to form a separate Tamil Nation allegedly for the welfare of the Tamils and 5 propagate Periyar (Sri E. V. Ramaswamy Naikes who founded DK) ideals. The LTTE formed Tamil National Retrieval Troops under the leadership of Ravi with a view to act against the democratically elected Government of India as per the advice of the Liberation Tigers and to indulge in armed revolution to achieve "separate Tamil Nadu" for which the money, arms and ammunition and other essentials were arranged to be provided by the LTTE. Copies of the confessional statements have been annexed as Annexures VIII to XIX with the affidavit.

These facts find full collaboration from the affidavit filed of the State of Tamil Nadu. It has been stated in the affidavit that during the course of investigation, certain witnesses were examined among others in Dindigul Taluk Police Station Cr. No. 1212/91 and their statements were recorded. One of such witness (whose name has not been disclosed for security reasons) has stated that he joined Dravidar Kazhagam (Kovai Ramakrishnan group). According to him, he was invited by accused Paulraj to undergo arms training with LTTE but that he declined. After some time, accused Paulraj met him again and told him about the formation of Tamil National Retrieval Troop under the leadership of Ravi @ Ravichandran and their plan to commit terrorist activities with a view to form a separate Tamil country with part of Sri Lanka and with State of Tamil Nadu and for this purpose, men and materials would be provided by the LTTE. Another witness, whose name also could not be disclosed for security reasons, stated about his friendship with accused Mahesh @ Suseendran and Veerakumar @ Srikanth, about Srikanth visiting him at R. S. Puram, Coimbatore, about his seeing Veerakumar possessing wireless set and pistol, about the visit of Srikanth and another person visit to Nagercoil, about Veerakumar operating wireless set, about learning that Veerakumar underwent training with LTTE, met Pottu Amman, the Intelligence Wing Chief and Pottu Amman informed Veerakumar that they would give arms training and other financial help, arms etc. to fight against the Indian Government for the liberation of Tamil Nadu. These statements along with the similar statements of other witnesses (Annexure I, placed in a sealed cover) clearly demonstrate a deep rooted conspiracy to induce secession of Tamil Nadu from India and aimed at disrupting sovereignty and territorial integrity of India.

The averments of the Central Government again find support from the affidavit filed on behalf of the State of Tamil Nadu wherein it has been stated the deponent Shri J. Ramakrishnan supervised the investigation of the case in Madras City R. Kodambakkam Police Station Cr. No. 1205/90 in which EPRLF leader Padmanabha and 14 others were murdered. According to him one Santhan @ Suthincharataja, son of Thillai Ambalam, Udupatti, Jaffna, Sri Lanka is an LTTE cadre. He is one of the main accused in Padmanabha Murder case, which is now pending as CC No. 5/92 on the file of the Designated Court, Madras. There was misunderstanding between the LTTE and EPRLF and other militant groups, as the latter wanted the IPKF to remain in Sri Lanka to maintain peace and order. After the de-induction of IPKF fearing reprisal by the LTTE Hhiru Padmanabha and other leaders of EPRLF came to India. Pottu Amman, the Intelligence Chief of LTTE is in Nallur, Jaffna. He along with other accused entered in a criminal conspiracy to murder K. Padmanabha, the EPRLF leader and in furtherance of the said conspiracy, accused Shivarajan Concerned in Rajiv Gandhi's assassination case, with the assistance of other accused viz., Santhan, Daniel, Dhileepan, David and Ravi @ Ravichandran committed murder of EPRLF leader

Padmanabha and 14 others and injuring several others by using AK 47 rifles, lobbying hand grenades on 19-6-1990 evening at Zackariah Colony, Kodambakkam, Madras. During the course of investigation accused Santhan gave a voluntary confessional statement before the deponent on 21-10-91 which was recorded under Section 15 of TADA Act, 1987 after observing all legal formalities and according to him, he joined the Intelligence Wing of the Liberation Tigers of Tamil Eelam during October, 1981 through Sivarajan and was introduced to Pottu Amman. He confessed his entering into conspiracy to murder K. Padmanabha, EPRLF leader at Madras with Pottu Amman, Intelligence Chief of the LTTE, Sivarajan and others, his visiting Tamil Nadu, joining the M.I.E.L., Kodambakkam as a student spying on EPRLF cadres, his informing about the visit of Padmanabha, EPRLF leader to the house at Zackariah Colony to Sivarajan and other members of the killer squad on 19-6-90 and committing murder of Padmanabha and others, escaping in the car to Trichy and on the way to Trichy, at Villupuram, hijacking the Maruti van of an industrialist of Madras, visiting Trichy, staying in the house of Santhanam at Trichy, Gundu Santhan. Vicky assisting them, leaving Thanjavur coast on 21-6-90 afternoon in the LTTE boat with Sivarajan and other members of the killer squad.

It has further been deposed by the State of Tamil Nadu that during the course of investigation in Dindigul Taluk Police Station CR No. 1212/91, two powerful wireless sets were also seized. Pottu Amman the LTTE Intelligence Chief had given special training to operate these wireless sets to the accused Ravi @ Ravichandran and Veerakumar @ Srikanth. They were given code sheets to operate these wireless sets and key to decode the messages received. They were instructed to speak in these wireless sets only by using "Codes". The message were decoded both in Tamil Nadu and Nallur in Jaffna and replies sent in codes. He stated further that during the course of investigation it came to light that one of the accused Sathyamurthy was sent as a labourer to I.S.P. VII Battalion at Palani to draw a sketch of the armoury, bell of arms, entry points for the purpose of looting the armoury by the accused Ravichandran and others. As per instructions given by accused Jawahar Babu, Ravichandran and others, accused Sathyamurthy drew a sketch and gave it to Jawahar Babu, which was seized later. The Document Expert compared the sketch and writings prepared by accused Sathyamurthy with his sample writings and gave a positive opinion that it was drawn by accused Sathyamurthy. This clearly shows that the LTTE's plan is to disrupt the sovereignty and the territorial integrity of India, in and of its larger and ultimate objective of creating a separate Tamil country by seceding Tamil Nadu from India.

The Central Government in the affidavit has further brought to the notice of the Tribunal about the unlawful activities of a number of radical chauvinist organisations such as Tamil Viduthalai Padai (Tamil Liberation Army), Tamil National Movement, Tamilar Pasurai etc. based in Tamil Nadu and their terrorize, and dangerous activities with the object of cession and disrupting the sovereignty and territorial integrity of the country. They are staunch supporters of LTTE. They were formed at the instance of LTTE and they indulge in unlawful activities. This organisation is functioning as a wing of LTTE. On 15-3-1987, a bomb exploded at Marudavan river bridge, near Ariyalur, resulting in the derailment of the Rockfort Express train, which was passing through the bridge. 26 persons were killed and 145 injured. A case in Virudhacharam R.P.S. Cr. No. 172 87 was registered by the Railway Police and subsequently was taken over by the Crime Branch CID of the State on 17-3-1987. During the course of investigation, some hand written wall posters were recovered from the scene of occurrence as well as in Ariyalur. These posters were written by the accused in this case, who in the judicial confession before the Judicial Magistrate admitted their complicity and about the formation of a group called Tamil Nadu Viduthalkai Padai, headed by accused Thamilarasan. It was found from the confession as well as from the evidence that the main aim of this group is to get Tamil Nadu separated from India, to bring hatred between Tamil speaking and non-Tamil speaking people and to topple the Government established by law. According to the materials available, this organization is only a projection of LTTE and that it

functions in direct link with LTTE. The confessional statement has been annexed as Annexure XX to the affidavit by way of evidence filed on behalf of the Central Government.

Bomb blasts occurred in the early hours of 10-4-1988 on the Nehru Statute at Kathipara junction in Madras City and at the T.V. Relay Station and instant death to one accused and injuries to two other accused while planting a time device bomb at the scene of occurrence. In both the places of occurrence manuscript evidence in the form of letters matters against the Government established by law of the land were found. During the course of investigation, it was revealed that after Tamilarasan, the self-styled leader of Tamil Nadu Viduthalaï Padai, was killed by the villagers of Ponparappi in Tiruch District on 1-9-1987 while he and his associates committed dacoity in a Nationalised bank at Ponparappi, the accused in this bomb blast case took the leadership of Tamil Nadu Viduthalaï Padai and were bent upon propagating the ideology of Tamilarasan and that of the LTTE to form a separate Tamil Nadu from out of the Union of India through violent means (Ann. XXI).

On 18-5-1988, there was a bomb explosion on the carpet bed man of India in the Government Botanical Garden, Ooty. In this connection a case in Ooty 14 Police Station Cr. No. 439/88 u/s 28, 437, 447 IPC r/w 5(3)(b) of I.E. Act r/w Sections 3 to 5 of I.E. Act was registered and investigated by the local State Police. Thereafter the case was taken over by the Crime Branch CID, for further investigation. Investigations revealed that 11 persons arrested by the State Police in this case were members of Tamil Nadu Viduthalaï Padai which is a projection of LTTE. A careful analysis of the facts available in this case makes it clear that these people entered into a criminal conspiracy to commit offences, commit acts of exciting disaffection in the minds of the public towards the Government of India, a Government established by law (Ann. XXII).

On 22-9-90, a jerry can full of gellietines (5 litre capacity) and a small plastic box with set electronic time device, both connected with an electrical detonator with small green light glowing in the box, were found by Madras City Police placed near the exit gate of Fort St. George, behind the multi-storied building in the Secretariat where the National Integration Council was scheduled to meet that day. Hand written posters were also found at that place containing slogans Tamil, refugees from Sri Lanka and demanding the teaching against National Integration, projecting the sufferings of the of Tamil in Central Schools and supporting the cause of the Liberation Tigers of Eelham. These posters were claimed to be from "Thamizhar Pasrai". The case is under investigation by CID branch of the State Police (Ann. XXIII).

This also finds support from the evidence on behalf of State of Tamil Nadu. The deponent has submitted that activities of a number of Radical Chauvinists organisations such as "Tamil Viduthalaï Padai" (which means "Tamil Free Lom Army") "Tamil Nationalists Movement", "Tamilar Pasarai" etc. based in Tamil Nadu have been increasing day after day. All these organisations are staunch supporters of the LTTE. One Peruchitrarar a Tamil Chauvinist, is the Editor of Tamil magazine called "Tamil Nilam" (which means "Tamil Nand"). His speeches and writings are but secessionist propaganda and for this purpose, he stands by and supports the LTTE.

The Central Government has deposed that the speeches and writings of persons like Peruchitrarar, Editor of Tamil Nilam contain secessionist propaganda as well as for open support to LTTE. Peruchitrarar's son is the leader of Tamil Nadu Viduthalaï Padai and one of the main accused in the Criminal case of explosion of T.V. Relay Station at Kodaikanal. Their open support for LTTE and their admiration for its leader V. Prabhakaran are clear. The activities of LTTE are thus providing encouragement to these persons and organisations for undertaking unlawful activities. The Government of India have reasons to believe that these organisations which openly preach secession are projections of LTTE. Once LTTE is banned these organisations will not be in a position to indulge in secessionist propaganda.

The United Liberation Front of Assam (ULFA) has already been declared an unlawful association under the Act for its activities (Annexure XXIV). Contacts between LTTE and ULFA have come to the notice of the Government. Relevant reports of Intelligence Agencies have been appended as Annexures XXV to XXVII. The documents show the involvement of LTTE with ULFA cable, in unlawful activities threatening the integrity of the country.

State of Tamil Nadu has elaborated certain more facts which highlight the conspiracy and complicity of certain persons and association with the LTTE in disrupting the unity and integrity of the country.

Dr. Ramadoss is the leader of the Pattali Makkal Katchi in Tamil Nadu. Dr. Ramadoss and Nedumuran have openly extended support to LTTE and they condemned the ban of LTTE by the Government of India. On 21-5-1992, the Hon'ble Prime Minister of India was scheduled to visit Sriperumbudur in which Shri Rajiv Gandhi was assassinated by "Black Bomb" Dhanu of LTTE. On 25-5-1992, the supporters of LTTE dropped printed pamphlets in and around the place of assassination at Sriperumbudur hailing and praising the assassin of Shri Rajiv Gandhi. On 22-5-92, Dr. Ramadoss, leader of the Pattali Makkal Katchi named a child as "Prabhakaran" and he uttered publicly in Dindigul that he would be prepared to go to prison for 170 years by supporting the cause of LTTE. On 24-5-92 night, a bomb was planted in the TV Relay station at Srinivasanallur near Kumbakonam, Thanjavur district. The air-conditioner and other articles were damaged. Fortunately, there was no human casualty. A hand written poster eulogizing murderer Dhanu was found pasted by "Tamil Nadu Viduthalaï Padai"—which means "Tamil Nadu Liberation Army".

Thiru Kalyamoorthy, Inspector of Police, Sastrinagar Police Station, Adiyar, Madras had registered a case in Sastrinagar Police Station CR No. 610/91 on 19-7-1991 against Sivanayagam, son of Subramaniam, No. 4 Sagar Apartments, Fifth Avenue, Besant Nagar, Madras-9. Thiru Sivanayagam is a Sri Lankan national, who has no passport and other valid travel documents. He was Editor of "Tamil Nation", an English magazine actually printed from Madras, but shown as having been printed and published from London. In his magazine "Tamil Nation" he has printed only the extracts from various newspapers and magazines such as Frontline, etc. In his magazine he has projected only the armed revolution and terrorist activities in various countries in the world. His aim in his writings, is to question the sovereignty and territorial integrity of India. He has been inducing people to take to revolution by fanning narrow and parochial feelings based on linguistic sentiments. He was detained under National Security Act. He challenged his detention before the Madras High Court in Writ Petition WP/14873/91 and the same was dismissed by the High Court on 19-2-92. His special leave petition in SLP 1054/92 before the Supreme Court of India was also dismissed.

The above facts brought out by the Central Government corroborated and supported by the State of Tamil Nadu clearly establish the grounds specified in the Central Government Gazette Notification extraordinary dated 14-5-1992 on the basis of which such notification was issued for declaring the LTTE as unlawful. Further, such grounds for making such a declaration are perfectly relevant and justified for declaring LTTE as an "unlawful association".

In these facts and circumstances I am of the firm view that the Central Government has shown sufficient cause for declaring the LTTE as an "unlawful association" and such a declaration accordingly is required to be confirmed.

In pursuance to the notice to show cause issued to the LTTE, as already stated, none appeared. However certain representations/affidavits of certain individuals/organizations have been received and since placed on record subject to int exceptions and objections of the Central Government and the State of Tamil Nadu.

I have looked into these representations/affidavits/letters and I am afraid these cannot be taken into consideration as these persons/organizations have not locus standi in the matter. The Act contemplates only the Association, which

is being banned under Section 3 of the Act which is entitled to show cause. Therefore, LTTE alone is entitled to be heard in the matter. Only LTTE through its office bearers could represent against the Notification. Moreover, these affidavits and letters have been received by post and it cannot be ascertained whether these have been genuinely written by the correct persons before the proper authorities. Therefore, these have no evidentiary value. No doubt one letter from so called International Secretariat of LTTE at London has been received and placed on the file. Even this organization has no locus standi. Only LTTE through its own office-bearers could represent against the Notification and not the so-called "International Secretariat". Moreover, this organization has not made its submission in a sworn statement.

Therefore, since these documents have no evidentiary value and have not been produced in accordance with law, these necessarily have to be ignored from consideration.

In the light of what is discussed above, I am of the firm opinion that the Central Government has shown sufficient cause for declaring the LTTE as an unlawful association under the Act and the same was necessitated in national interest. The declaration made by the Central Government vide Notification dated 14-5-1992 is, therefore, hereby confirmed.

Signed and delivered

this 4th day of
November, 1992 at
New Delhi

Sd/

JUSTICE P. N. NAG

UNLAWFUL ACTIVITIES
(PREVENTION) TRIBUNAL

[F. No I-11034/57/92-ISD (B)]

B. N. JHA, Jt Secy.

